

Members

Sen. Beverly Gard, Chairperson
Sen. Lindel Hume
Sen. Marvin Riegsecker
Sen. Vi Simpson
Rep. David Wolkins
Rep. Steve Heim
Rep. Ryan Dvorak
Rep. Matt Pierce
Dwayne Burke
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Michael K. Sutherlin
Ellen Tobias
Julia Wickard
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Thomas Easterly
Steve Murray



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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MEETING MINUTES¹

Meeting Date: August 9, 2005
Meeting Time: 9:30 A.M.
Meeting Place: Governmental Center South, 302 W.
Washington St., Conference Room C
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Beverly Gard, Chairperson; Sen. Marvin Riegsecker; Rep. David Wolkins; Rep. Steve Heim; Rep. Ryan Dvorak; Rep. Matt Pierce; Dwayne Burke; Randal D. Edgemon; Michael K. Sutherlin; Ellen Tobias; Julia Wickard; Dave Wyeth; Thomas Easterly; Steve Murray.

Members Absent: Sen. Lindel Hume; Sen. Vi Simpson; Ray Chattin; Nancy Michael.

1. Call to Order

Chairperson Gard called the meeting to order at 9:38 AM and introduced the members of the Council who were not at the first meeting.

2. State Cleanup Programs and Brownfields

Bruce Oertel, IDEM, presented an overview of the Office of Land Quality's cleanup programs (Exhibits #1 & #2). The overview consisted of the following topics:

- IDEM's remediation process
- Voluntary vs. enforcement cleanups
- Site investigation program
- State and federal cleanup programs

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

In response to questions from the Council, Mr. Oertel discussed:

- Possibilities of consolidating or standardizing the cleanup process
- Covenants not to sue and comfort letters as used in brownfield cleanups
- EPA's memorandum of agreement with IDEM

Jim McGoff, IDEM & IFA, reviewed the use of comfort letters in remediation projects. In response to questions from the Council, he noted that the IDEM and IFA Brownfields Program are looking for ways to strengthen comfort letters and that comfort letters are added to property deeds.

Kathy Lucas, Bose, McKinney & Evans, presented an overview of liability issues that are associated with brownfields (Exhibit #3). Topics included:

- Joint & several liability
- Environmental Legal Action (ELA)
- Small Business Liability Relief & Brownfields Revitalization Act
- Liability protections provided in HEA 1033-2005

In response to questions from the Council, Ms. Lucas discussed the effectiveness of the ELA and preference for cleanup standards to be promulgated in a rule instead of a non-rule policy.

Bob West, ES&E, provided further information on brownfields and cleanup programs (Exhibit #4), which addressed the following:

- Urban revitalization and cleanups
- Challenges to cleanups
- Liability insurance and insured fixed price cleanups
- Local cleanup examples

In response to questions from the Council, Mr. West noted the availability and affordability of insurance depends on the specific characteristics of the site to be remediated and the level of contamination.

3. Underground Storage Tank Program

Scott Imus, Indiana Petroleum Marketers and Convenience Store Association, discussed the following in regards to IDEM's Environmental Liability Trust Fund (ELTF):

- Improvements in the Fund
- Legislation supporting the Fund
- Processing of claims and issuing of permits in a timely manner

In response to questions from the Council, Mr. Imus addressed the federal energy bill and possibility of funding for mandates on tank owners and the issuance of notification letters to landowners surrounding a contaminated area.

Bruce Palin, IDEM, provided an overview of IDEM's Leaking Underground Storage Tank Program (Exhibits #5 & #6), which included in the following topics:

- Program responsibilities and resources
- Program status and funding
- ELTF status

In response to questions from the Council, Mr. Palin discussed the amount of money in the Fund that is used for cleanups and the issuance of notification letters to landowners surrounding a contaminated area.

4. State Revolving Fund

Jim McGoff, SRF Executive Director, presented an overview of the State Revolving Loan Fund Program (Exhibits #7 & #8), which included:

- Types of projects funded by the program
- Financing terms
- Savings for borrowers

In response to questions from the Council, Mr. McGoff reviewed the amount of money that may go to non-point source pollution projects and the amount of money that has been used for security projects.

Matt Greller, Indiana Association of Cities and Towns, presented the results of a SRF survey, to which 30 cities and towns responded.

5. Council Discussion

Chairperson Gard asked Rep. Wolkins to have someone speak on the issue of using waste tires as an energy source at a future meeting. She announced the next EQSC meeting will be held on Tuesday, September 13, 2005, at 1:00 p.m. in Conference Room C of Indiana Government Center South.

Chairperson Gard adjourned the meeting at 12:34 p.m.